

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 96-80201

Plaintiff,

Honorable John Corbett O'Meara

v.

PAUL CORRADO,

Defendant.

/

ORDER DENYING DEFENDANT'S MOTION TO EXPUNGE CONVICTION

This matter came before the court on defendant Paul Corrado's May 6, 2013 Motion to Expunge Conviction. The government filed a response May 16, 2013. No reply was filed, and no oral argument was heard.

On January 21, 1998, Corrado entered a guilty plea to Count 18 of the Indictment, Obstruction of Justice, in violation of 18 U.S.C. § 1503. The court sentenced him to six months' imprisonment in a halfway house followed by two years of supervised release. In the 15 years since his sentence was imposed, Corrado has not had any further infractions. In his motion to expunge his conviction, Corrado contends that "the stigma of being a convicted felon has been an unbearable hardship." Def's mot. at ¶ 5.

In 1994, the United States Supreme Court limited the ancillary jurisdiction of federal courts, noting that it could be invoked only to permit disposition by a single court of multiple related claims or to enable a court to "manage its proceeding, vindicate its authority, and effectuate its decrees." Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 379-80 (1994). Since Kokkonen, federal appellate courts have held that a district court lacks subject matter jurisdiction over expungement

motions. See United States v. Lucido, 612 F.3d 871 (6th Cir. 2010); United States v. Coloian, 480 F.3d 47 (1st Cir. 2007); United States v. Meyer, 439 F.3d 855 (8th Cir. 2006); United States v. Dunegan, 251 F.3d 477 (3rd Cir. 2001); and United States v. Sumner, 226 F.3d 1005 (9th Cir. 2000).

This court is bound by Lucido, which held that the district court lacks subject matter jurisdiction to consider expungement of criminal convictions.

ORDER

It is hereby **ORDERED** that defendant Paul Corrado's May 6, 2013 Motion to Expunge Conviction is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: July 19, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 19, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager